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Deadlock in Georgia

Political Crisis and Regional Changes Need an EU Response

Franziska Smolnik, Mikheil Sarjveladze and Giorgi Tadumadze

Since the parliamentary elections in October 2020, Georgia's government and opposition have found themselves in a political deadlock. This is evidenced above all by the fact that the majority of elected opposition parties have boycotted entering parliament. The country is not only facing domestic political challenges. The war over Nagorno-Karabakh has also changed the regional constellation. While Russia and Turkey have positioned themselves as influential actors in the region, the EU has been barely visible. For Georgia, which is the only country in the South Caucasus to have clear EU and NATO ambitions, this change is a potential threat to its pro-Western course. Tbilisi continues to have high expectations of the EU, which claims to be a geopolitical actor. Both the new regional context and the Georgian domestic political crisis should be an inducement for the EU to engage more with its eastern neighbourhood, and especially to give new impetus to its relations with Euro-Atlantic orientated Georgia.

On 6 January 2021 Georgia's then-Prime Minister Giorgi Gakharia announced that the country would be applying to join the European Union in 2024. In October 2020, the deputy chairman of the Georgian parliament, Kakha Kuchava, had already confidently stated that Georgia would be ready for this step in 2024. The developments of recent weeks and months, however, have raised grave doubts within the EU. Georgian politics was burdened for more than 18 months by the mutual animosity between the governing party, Georgian Dream, and the political opposition, in particular the former ruling party United National Movement (UNM). Since the parliamentary elections of 31 October 2020 –

which the opposition has decried as fraudulent – the controversy has blown up into a national political crisis. This is primarily evidenced by the fact that a large majority of the elected opposition candidates are boycotting parliament.

The Georgian government's public announcement of its intention to apply for EU membership comes at a time when the political crisis in the country has further rigidified. This reveals a number of conclusions about the current state of EU-Georgia relations, and especially the challenges they face. Two aspects in particular need to be taken into account when evaluating the current relationship: domestic politics and its interaction with foreign



policy, and the embeddedness of the relationship in the regional context, which is currently being reconfigured.

Domestic Political Stalemate

A Catalyst for the Crisis

If not its origin, then at least a substantial catalyst of the current stalemate between government and opposition were the Georgian parliamentary elections of autumn 2020. Georgian Dream officially won the elections, with a total of 90 of the 150 seats. The United National Movement took second place, with 36 seats. Voting occurred over two rounds: the first by proportional representation, the second by majority voting. Since all opposition parties boycotted the second round, however, Georgian Dream ran on its own. While international election observation missions assessed the elections as competitive and concluded that fundamental freedoms had been preserved overall, local watchdog organisations noted substantial deficits and irregularities. Since the opposition views the results as fraudulent, its representatives have refused to accept their mandates as a protest. Accordingly, on 11 December 2020 only the elected representatives of Georgian Dream took up their parliamentary activities. Since then, the opposition has been lambasting the “one-party parliament”. In its turn, the ruling party has condemned the boycott as a deliberate attempt by the opposition to destabilise the country. Six elected opposition parliamentarians have now dropped the boycott and entered parliament, but the vast majority are standing by their refusal.

The current dilemma not least points to debates about what the parliament’s responsibilities should be, and about insufficient parliamentary oversight. A lack of experience in effectively implementing oversight mechanisms has contributed to preventing a sound parliamentary culture and practice from fully taking root. While there have been reforms in recent years aimed at strengthening parliamentary over-

sight, these did not provide a clear enough definition of the role of the opposition. This has raised the question of how effective mutual institutional oversight is.

The crisis was exacerbated by the arrest on 23 February 2021 of the UNM Chair Nika Melia. The public prosecutor accuses him inciting and leading mass violence at street protests in 2019. The opposition has castigated the procedure as politically motivated. Giorgi Gakharia resigned as prime minister over the arrest; he appears to have been unable to impose his own view within Georgian Dream that arresting Melia would lead to further political escalation. However, there are also structural challenges behind the current crisis.

Structural Challenges

The Judiciary: Permanently under Construction

Among the most important campaign promises made by Georgian Dream in 2012 was the slogan “restoring justice”. Beyond moral and political justice, this referred to the judiciary, which had been heavily politicised and dependent on the executive under the UNM government. Nine years have passed, but the politicisation of jurisprudence continues to be one of the greatest challenges facing Georgia in terms of the division of powers. According to organisations such as the national offshoot of *Transparency International*, Georgian Dream came to an informal agreement before the 2016 parliamentary elections with the so-called Clan, a group of influential judges. This informal deal on mutual support, so *Transparency International* claims, has allowed the group of judges to extend its influence over the whole judiciary and given the executive greater access to the former. Georgians’ lack of confidence in the judiciary is likely to be another consequence: according to a 2019 poll, only 5 percent of respondents had entire confidence in the courts. Fifty-three percent of those questioned believed that the courts were being influenced by the governing party.

For the executive, influencing the judiciary has been an effective tool for decades for pushing through its political and specific agenda, and not just under Georgian Dream. This is precisely what the opposition currently accuses the government of in the case of Nika Melia's arrest. Georgia's ombudswoman, Nino Lomjaria, also criticised the court's decision: arresting Melia, she claimed, was neither substantiated nor necessary.

Polarisation Prevents De-escalation

The second and key domestic challenge for Georgia is the extreme polarisation of Georgian politics and media. An electoral system that favours the "winner takes all" principle has so far reliably led to election winners primarily being concerned with consolidating their own power, to the detriment of an effective implementation of the division of powers. In turn, this has intensified the confrontation between the governing party and opposition parties, which have mobilised their respective constituency (and thus parts of society) against each other. In general, the prevalent political culture in Georgia has not been conducive to integrative principles and processes, such as a readiness to compromise and accommodate, the establishment of coalitions, or the division of powers.

Structural causes for this political polarisation can be found above all in the party landscape. Many parties tend to concern themselves only with benefiting from the political events of the day without pursuing long-term strategies and programmes. They are often hierarchical and not organised in particularly democratic ways. The two largest and best-resourced parties in the country, Georgian Dream and the UNM, have tried especially hard to turn the polarisation to their advantage. By presenting their respective opponent as the enemy and promoting this image, each has tried to position itself as the only option in the party competition. For several years, the

two parties thus left little room for alternative forces to emerge.

Georgian Dream has long been dominated by the billionaire and former prime minister, Bidzina Ivanishvili; the UNM by the former president Mikheil Saakashvili. Their respective rhetoric aims to give their party a monopoly in the political process. Both have thus intensified the political discord in recent years.

Social media also act as tools of polarisation and radicalisation of the political spectrum and at least part of the electorate. Political actors use them as platforms to spread disinformation about their political rivals. Moreover, the country's most important television channels tend to act as mouthpieces of specific political groups. Their reporting is not aimed at objectivity but instead at popularising the political agenda and purposes of political camps. TV channels are by far the most significant source of information for political news and thus shape public opinion to a large extent.

Domestic Controversy and the EU

The domestic confrontation also affects the relationship between Georgia and the EU. For over 15 years, pursuing integration in Euro-Atlantic institutions has been a fundamental orientation of Georgia's foreign policy. Since it came to power in 2012, Georgian Dream has continued its predecessors' foreign-policy course. Georgia and the EU have been linked through an Association Agreement as well as a Deep and Comprehensive Free Trade Area (DCFTA) since 2016. In 2017 the objective of obtaining EU and NATO membership was written into the Georgian constitution. The reforms required to implement the association agreement implicate a wealth of policy areas and domains. The agreement's Preamble states from the outset that shared values such as democracy, the rule of law and respect for human rights are the foundation stone of the association, and that

Georgia is committing to implementing and strengthening them.

Currently, however, Brussels views the deficits in Georgia's justice system and its political polarisation as the main challenges to any further rapprochement. In the EU's most recent report on implementing the association agreement, it calls for further efforts in these areas.

A Prominent Role for the EU

The political crisis in Georgia also has a more specific impact on its relationship with the EU. In early 2020, after an electoral law reform had failed in the Georgian parliament, several Western embassies offered space for talks aimed at finding a compromise between the governing party and the parliamentary opposition. Today embassies of the EU, EU member states and the US are again active as facilitators. After the parliamentary elections of October 2020, they once again brought the conflict parties together for negotiations at the latter's request. It is hoped that they will end with a compromise.

However, this is a tightrope walk for the EU's representatives, who risk getting caught up themselves in the showdown between the governing party and opposition, and being viewed, or turned into, a part of the domestic Georgian row. In mid-December 2020, for instance, the UNM and circles close to it made accusations against Western diplomats. The then UNM Chairman, Grigol Vashadze, named these allegations as one reason for his subsequent withdrawal from the party. In early February 2021 the EU ambassador attracted the displeasure of Georgian Dream. He had criticised one of its members of parliament for making public the phone number of a journalist known to be close to the UNM, calling the act a violation of data protection. Members of the European Parliament felt compelled to issue a joint statement to signal their support for the ambassador. In response to criticisms by the chair of the foreign affairs committee of the Lithuanian parliament, the new Georgian Prime Minis-

ter Irakli Garibashvili, moreover, declared on 22 February 2021, the day that his appointment was confirmed, that such outside interference was unacceptable.

From Facilitation to Mediation

Yet the EU plays an ever more important role in Georgia's domestic controversy. During a visit to Georgia in early March 2021, the President of the European Council, Charles Michel, conceded that it was time to move from mere facilitation to active mediation. After his visit, Michel and the High Representative Josep Borrell appointed Christian Danielsson, from Sweden, to be the Personal Envoy and travel to Tbilisi for mediation purposes. The US embassy continues to participate in these talks too. Alongside the issues of whether to call new elections and release Melia, they are likely to revolve around reforming the justice system and electoral law, strengthening parliamentary oversight and identifying any potential for de-polarisation. After two rounds of mediation ended without the parties reaching a compromise – and after a strongly worded statement by leading MEPs that failure to do so will reflect on future EU-Georgia relations – Brussels is currently mulling its next steps.

Regional Reconfigurations

The turbulence in Georgia's domestic politics coincides with significant changes in the neighbourhood. In the autumn of 2020, the escalation of the conflict over Nagorno-Karabakh between Georgia's neighbours Armenia and Azerbaijan put an end to the status quo that had existed for 26 years. Azerbaijan retook large swathes of territories that had been under Armenian control since 1994. Since the trilateral agreement of 10 November 2020 between Baku, Yerevan and Moscow, Russian peacekeepers have been stationed in the conflict zone. The armed confrontations also set in motion, or reinforced, a process of regional reconfigu-

ration in which Russia and Turkey in particular play a prominent role. How exactly the balance of power between the two regional powers in the South Caucasus stands or might develop is one of the most heavily discussed issues regarding the 44-day war. Observers largely agree, however, that the conflict made clear the deficiencies and weaknesses of the EU's toolbox. Moreover, many believe that the EU's "geopolitical commission" has become an empty word, especially where its immediate eastern neighbourhood is concerned.

Georgia and Its Volatile Neighbourhood

Georgia is the only country in the South Caucasus to have concluded an association agreement with the EU and to pursue the long-term objective of joining the EU and NATO. It faces at least five key changes and development prospects in its neighbourhood. First, Georgia's neighbours Russia and Turkey have grown in importance for its two other neighbours, Armenia and Azerbaijan, in the context of the escalation in autumn of 2020. Second, Georgia perceives a deterioration in its own security situation. Since the stationing of Russian troops in Azerbaijan, Georgians are very sensitive to the fact – not least in light of Russia's increased dominance in the Black Sea basin – that their country is now geographically surrounded by Russian troops. Third, Tbilisi faces the question of what the consequences might be for Georgia concerning Turkey's new role in the South Caucasus and the development of Turkish-Russian relations in the region. Fourth, the agreement of 10 November 2020 aims to reopen regional communication links, which have been blocked because of the Armenian-Azerbaijani conflict; there are debates in Georgia about what impact such a reopening would have on its own role as a transit country and the future it envisages as a regional transport hub. And fifth, the strengthening of Russia's influence in the South Caucasus is perceived as a factor that

could further threaten Georgia's ambition to join the EU and NATO.

A New Regional Context for EU-Georgia Relations

All of these (potential) changes – as well as how they are perceived and interpreted locally – also concern Georgia's relationship with the EU. The EU's room for manoeuvre in the South Caucasus is dwindling while the influence of Russia and Turkey is growing. For a long time, Tbilisi has seen Turkey as a partner and precursor for Georgia joining the EU and NATO (Turkey being a NATO member and candidate for EU accession itself). Now, in late January 2021 Ankara and Tehran suggested a regional cooperation platform in the 3+3 format. Along with Turkey and the three South Caucasus countries, this plans to include the regional powers Iran and Russia, but not the EU or USA. After the Russian-Georgian war of 2008, Ankara had already opened discussions on a similar regional cooperation format, in a 3+2 version, without Iran. This proposal was obviously never realised. However, (geo)political conditions at the time were markedly different, and not only in the region but also in terms of Turkey-EU and Turkey-US relations.

An Imbalance of Supply and Demand

For some time, there have been discussions within the region, but more and more often also among various actors in the EU, about whether the EU can remain relevant to the needs of the countries in its eastern neighbourhood. The most recent escalation in the Nagorno-Karabakh conflict has given these debates momentum. Key EU deficits cited include its insufficient offers of security cooperation and its limited role as an actor in conflict transformation. The discussions also concern Georgia, which faces issues of national security and the unresolved conflicts with Abkhazia and South Ossetia.

However, there is a certain amount of tension between security cooperation and engagement in conflict transformation. Pushing ahead in both areas is not necessarily compatible. The EU deals with the conflicts over the breakaway de-facto states Abkhazia and South Ossetia mainly at the level of immediate parties in the conflicts (Tbilisi, Sukhum/i and Tskhinval/i), whereas Georgian actors tend to view the conflicts mainly through the prism of Georgian-Russian relations. Tbilisi considers Euro-Atlantic integration, ideally including security cooperation, a shield against Russia, among other things. However, Georgia's closer links with the EU mean that the latter is not perceived as a neutral conflict mediator in Abkhazia and South Ossetia. As a consequence, the EU has virtually no leverage vis-à-vis them.

Although the EU's engagement in conflict transformation remains limited, it has tried — especially following the 2008 Russo-Georgian war — to expand it. To this end, it has created the EU Monitoring Mission and the EU Special Representative for the South Caucasus and the Crisis in Georgia; co-chaired the Geneva Discussions between the involved parties; and financially supported measures for conflict transformation. Simultaneously, however, the EU's room for manoeuvre in these areas has become more complicated. It has to act in a multidimensional conflict setting since the conflict between Georgia, the de-facto states, and Russia is unfolding on several levels. The fraught relationship between the EU and Russia also limits the EU's ability to make an impact.

Yet the current domestic political crisis in Georgia is not conducive to Georgian politicians finding their own constructive policy approaches. This is also true for dealing with the de-facto states, among other things. At the moment, it appears that attempts to set (foreign) policy objectives are being impeded by domestic politics or specific power interests. Evidently domestic controversies tie up so many resources that it lowers output. It is therefore neither in

Georgia's nor in the EU's interests to let the current situation become permanent.

Prospect

Both the domestic political crisis and the changing regional environment are challenges for EU-Georgian relations. The EU is actively engaged in the domestic dispute at the highest level via Charles Michel, likely a consequence inter alia of criticism heard especially in recent months that the EU is not sufficiently present in its eastern neighbourhood. This commitment is therefore a positive sign. The majority view in Georgia seems to confirm this, as instanced by statements by political actors and NGO representatives as well as the reporting in significant media.

However, this form of participation by EU representatives and EU member states in an associated partner country once again raises a number of overarching concerns. These include how local conflict resolution mechanisms might be lastingly strengthened, what the ownership of the reform process is, and what the symmetry or asymmetry is in EU-Georgian relations.

The EU takes on risk by becoming an actor in the domestic confrontation, and trying to help offset the deficits of Georgia's political system at least in the short term. Such an engagement does not automatically lead to the creation of locally embedded offset and conflict resolution processes. It does not necessarily pave the way for the sustainable prevention of future crises. Moreover, if the EU does not live up to expectations, that may also have a negative impact on its credibility in the eyes of both the local elite and the Georgian people. The EU's mediation activities are thus already being considered a litmus test for its overall importance in the neighbourhood. Whatever the outcome of the mediation may be, the EU should continue its visible interest in Georgia's development beyond this process — merely selective attention could turn out to be counterproductive.

The EU has always emphasised that it is in Georgia's own interest to implement the reforms decided in the association agreement, since it is the country and its people that will benefit first and foremost. This should be true in many respects but does not do justice to the substantial imbalance in power between Brussels and Tbilisi, or to the added value that a rapprochement between Georgia and the EU would have for the latter. Rather, the emphasis on its partner's self-interested goals glosses over the fact that the EU also gains when countries in its immediate neighbourhood accept a large part of the EU acquis – without even any current prospect of EU membership. When the Georgian government announced that it would be applying for EU accession in 2024, it was likely intending, *inter alia*, to give the laborious process of “becoming EU-like” a concrete objective. The EU should therefore not be content to limit its engagement in Georgia to the aim of reaching a compromise to end the domestic political deadlock. Beyond this, Brussels should reflect on the potential for future relations, taking into account its partners' expectations and needs. The EU's credibility and actorness in its eastern neighbourhood depends not only on its own estimation of its achievements, but also on how partner countries perceive and value its actions. The differences in the two sides' expectations – for instance concerning security cooperation, engaging in conflict transformation, and a strategic vision for cooperation – are problematic. And this is not a problem that will solve itself, even though the EU may not wish to fully regard it as such; after all, it is providing extensive financial support. Given the regional changes, relations between Georgia and the EU could be strained not only by the domestic crisis in Georgia but also by this “expectation gap”. Put more positively: both issues make it urgent for the EU to act to give its relations with Georgia new impetus and new drive.

A wealth of ideas and proposals is already on the table. *Inter alia*, they spring from the broad consultation process that the European Commission undertook in 2019 with a view to adjusting the Eastern Partnership beyond 2020. Many of the proposals can be found in the conclusions of the Eastern Partnership Council of 11 May 2020: strengthening shared ownership, and a made-to-measure (i.e. differentiated) bilateral cooperation; concentrating more on common foundations, such as democracy, the rule of law and good governance; agreeing on milestones and monitoring mechanisms so as to structure the process more clearly and more transparently; making better use of conditionality; and expanding cooperation in security matters and conflict transformation.

It is not, then, a lack of ideas that is preventing the EU from expanding its commitments in its eastern neighbourhood. The fact that the last regular summit of the Eastern Partnership took place in 2017, and that the date for the meeting intended for this year has still not been set, rather indicates a lack of strategic interest on its part.

The timing of the Georgian government's announcement about its plans to apply for EU membership can therefore also be seen as a summons to the EU. The Union should take this opportunity to rethink its long-term role in the region, and to develop a new strategic vision for its relations with countries there – first and foremost those which are decidedly pro-EU and pro-NATO, such as Georgia. Otherwise the EU runs the risk of continuing to lose its appeal in the region.

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